

1676 SOCIAL SECURITY BENEFITS FOR CHILDREN IN PLACEMENT	
Chapter: Out-of-Home Placements	Section: Financial Supports
 <p>New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: PD 14-25 Effective Date: April 2014 Scheduled Review Date:</p>	<p>Approved:</p>  Maggie Bishop, DCYF Director
Related Statute(s): RSA 169-B , RSA 169-C , and RSA 169-D Related Admin Rule(s): Related Federal Regulation(s): SSA 1631	Related Form(s): FORM 2153, FORM 2154, FORM 2156, FORM 2157 and FORM SSA-11-BK Bridges' Screen(s) and Attachment(s):

All children, youth, and families deserve a life of well-being. We partner with families and the community to identify and provide services for the specific needs of children, youth, and families. Providing for the needs of children in foster care includes financial planning and responsibility for the payment of services and placements. The DCYF Fiscal Specialist may apply for Social Security benefits for children and youth that are not receiving such benefits when they enter foster care or are placed at the Sununu Youth Services Center (SYSC) if there is information indicating that they may qualify. For children that come into foster care or SYSC and are already receiving social security benefits, the Fiscal Specialists will apply to be the "Representative Payee" for the child or youth's Social Security benefit. These funds are applied toward the cost of the child or youth's current needs. This includes food, clothing, shelter, medical care and specific services to support the child's safety and well-being. The Social Security Administration requires that the individual or agency responsible for paying the costs of the child or youth's current needs be appointed as the Representative Payee of the social security benefit.

Purpose

This policy identifies the requirements and best practices for DCYF in the application to be the Representative Payee of SSA or SSI benefits and to apply for initial benefits when there is evidence that a child or youth in foster care or at SYSC may be eligible.

Definitions

"CPSW" means a Children Protective Services Worker employed by DCYF.

"Dedicated Account" means an account established for a disabled child under the age of 18 when the child receives a large SSI payment that exceeds 6 months worth's of benefits. The payee for the child is required by law to hold these funds in an account at a financial institution, which is separate from the account used for regular monthly SSI benefits.

"DCYF" or the **"Division"** means the DHHS Division for Children, Youth and Families.

"DHHS" or the **"Department"** means the New Hampshire Department of Health and Human Services.

"Foster Care" means the supervised 24-hour substitute care of a child placed away from their parent or legal guardian for whom the State has placement and care responsibility. This includes: family foster homes, relative homes, pre-adoptive homes, shelters and residential facilities.

"JPPO" means the Juvenile Probation and Parole Officer employed by DCYF.

"Parent" means the child/youth's birth or adoptive parents, stepparents, or legal guardians, as established by state law.

"Representative Payee" means an individual or an agency, such as DCYF, appointed by the Social Security Administration (SSA), as the responsible party that receives the individual's benefit on behalf of the beneficiary and provides for their personal needs such as food, clothing, shelter, and his or her personal care and well-being.

"Revolving Fund" means the account for depositing income received for each individual child or youth in foster care, or SYSC under the supervision or custody of DCYF. Each child has their own account within the Revolving Fund in which all types of benefit or income is documented in detail. The sources of income that may be deposited include Social Security Disability or Survivor benefits (SSA benefit), Supplemental Security Income (SSI), Child Support, Veteran Administration benefits, and Parental Reimbursement. The Revolving Fund account is a separate account from the Department of Health and Human Services (DHHS) operating budget.

"SSA" means the Social Security Administration.

"SSA Benefit" means Title II Social Security dependents' benefits which are payable to children or youth under 18 if a parent is receiving disability benefits or is deceased. These benefits may also be paid to children 18 or older who were disabled before age 22. SSA is also referred to as Retirement, Survivor's, and Disability Insurance (RSDI).

"SSI" means Title XVI Supplemental Security Income provided by the Social Security Administration in the form of monthly payments to a disabled child or youth who meets the eligibility requirements.

"SYSC," "John H. Sununu Youth Services Center," or the **"Youth Detention Services Unit"** means the architecturally secure juvenile treatment facility administered by the DHHS Division for Children, Youth and Families for committed juveniles and for NH youth involved with the NH court system prior to their adjudication.

Policy

- I. Notice to the Social Security Administration (SSA).
 - A. SSA must be notified via the "Notification of Change in Social Security Recipient Status" (Form 2154) when a child or youth whose parent receives SSA or SSI benefits on their behalf enters foster care or SYSC, or is returned home.
 - B. DCYF, as the Representative Payee, must notify SSA via the "Notification of Change in Social Security Recipient Status" (Form 2154) of any information regarding a change in the residence of a child or youth who receives, or is eligible to receive, SSA or SSI benefits.
 1. The Representative Payee must report any changes in:
 - (a) Income;
 - (b) Resources;
 - (c) Living arrangements;
 - (d) Name (such as when a child or youth is adopted);
 - (e) Employment (if they start or stop work);

- (f) Enter or leave an institution;
 - (g) Their condition improves; or
 - (h) If they leave the United States.
 - 2. Correspondences with SSA must be documented in the Fiscal Specialist eligibility file.
 - C. The CPSW/JPPPO must notify the Fiscal Specialist of the child or youth's placement in foster care or SYSC.
 - 1. The Fiscal Specialist initiates the application to become the Representative Payee for all children and youth that have entered foster care.
 - 2. The Fiscal Specialist must inform SSA if a youth is detained at the Sununu Youth Services Center (SYSC). Youth who live in youth detention centers or other public institutions cannot receive SSI benefits after 30 days of detention.
 - 3. The Fiscal Specialist will apply for SSI benefits if there is indications that the child or youth has a medical disability that may qualify. The Fiscal Specialist will send a notification letter to parents that DCYF is making application for SSI benefits for their child.
 - 4. The Fiscal Specialist will apply for SSA benefits when becoming aware of a parent's disability or death that may qualify the child or youth.
- II. SSA makes the determination of the most appropriate Representative Payee, DCYF or the parent(s), to function as the child or youth's payee.
- A. When DCYF is legally responsible for the child or youth's well-being and the child or youth is in foster care or SYSC, SSA usually selects DCYF as the Representative Payee of the child or youth's benefit.
 - 1. DCYF applies to function in the Representative Payee role for all children and youth in foster care and SYSC.
 - B. For a relative home placement, DCYF usually encourages the relative to apply as the Representative Payee, as the relative home will not receive foster home payments unless the relative decides to become a licensed foster home.
 - 1. The Fiscal Specialist may assist the relative in the application process for Temporary Assistance to Needy Families (TANF) Medicaid for the child or youth.
 - 2. The Fiscal Specialist may recommend and assist the relative in the application to become the Representative Payee of the child or youth's SSA or SSI benefit.
- III. The Fiscal Specialist and the child or youth's parent(s) provide SSA with all available and applicable information to review in support of an informed decision to determine who will serve as the Representative Payee.

- A. SSA's Representative Payee decision is based on the expected duration of the placement and the intent to have the benefits used for the shelter, food, clothing, and medical expenses and for any other current needs of the child or youth.
 - 1. The Fiscal Specialist will send the "Notification of Change in Social Security Recipient Status" (Form 2154) with a copy of the removal court order to SSA to notify the SSA liaison of the child or youth's placement in foster care or at SYSC.
 - 2. SSA may determine to not act on requests to change the authorized Representative Payee pending further information of the duration of the placement, such as if the placement will end within 30-60 days.
 - 3. In most instances SSA will suspend the child or youth's benefits while waiting for information on the potential duration of the placement.
 - 4. Only the Social Security Administration can make the determination of who or what agency is to be the child or youth's Representative Payee.
 - 5. The parent(s) has the legal right to object to a decision made by SSA regarding the appointing of the Representative Payee.
 - (a) A letter of re-appointment from SSA is sent stating that a new Representative Payee has been selected and addresses specific recourse action.
 - (b) SSA policy allows 60 days to appeal a Representative Payee change, unless good cause can be established to extend the deadline.
 - (c) A parent must not be discouraged from appealing the appointment.
 - 6. DCYF may also appeal a ruling by SSA. The Fiscal Supervisor liaison to SSA may contact the Concord SSA office for 'good cause' reasons to be considered if DCYF is seeking to appeal the appointment of the Representative Payee.
- IV. Once SSA determines who will serve as the Representative Payee for the child or youth's benefits, the SSA or SSI benefits are then paid in the Representative Payee's name on the child or youth's behalf.
- A. For children/youth for whom DCYF is assigned as the Representative Payee, the benefit is sent to the Office of Finance where it is deposited into the child or youth's individual account within the Revolving Fund.
 - B. Disbursements from the child or youth's Revolving Fund account may be requested by the CPSW/JPPPO to pay for specific items for the beneficiary, such as a laptop computer for school or for extra food and personal care items needed during family visitations. The Fiscal Specialist will complete the "Revolving Fund Disbursement" (Form 2153) requesting the disbursement of funds from the child or youth's individual Revolving Fund account to cover such costs on an as needed basis.
 - 1. Documentation must be provided to the Fiscal Specialists that verifies the type of expense (i.e. extra food for weekend visits) and includes the receipts for the cost of the items that equal the amount of the disbursement.

2. Failure by the family to provide receipts to the CPSW/JPPPO that equal the amount of the disbursement will result in denial of future disbursements.
- V. The Representative Payee process is the same regardless of the type of benefit, SSA or SSI.
- A. A child or youth may be the recipient of one or both types of Social Security benefits.
 - B. If a child or youth is already receiving SSA or SSI benefits when first entering foster care or SYSC the Fiscal Specialist will process an application for Representative Payee through the Concord SSA office.
 - C. A Representative Payee application, Form SSA-11-BK, must be completed and forwarded to the Concord SSA Office when applying for payee status. The application must include a court order for placement indicating that DCYF has custody or protective supervision of the child or youth.
 - D. The Fiscal Specialist must be notified promptly of specific changes in a child or youth's case; as such changes may affect Title IV-E, Medicaid and Social Security eligibility.
 1. The Fiscal Specialist will notify SSA via the "Revolving Fund Disbursement" (Form 2153) of the child or youth's reunification with the parent(s) and send the "Payee Letter to Parent" (Form 2157) notifying the parent(s) that DCYF has requested to no longer be the Representative Payee of the SSA or SSI benefit.
 2. Prompt notification by the CPSW/JPPPO to the Fiscal Specialists of the child or youth's return home will prevent a potential overpayment that would require DCYF to pay back the funds received in error.
- VI. DCYF Responsibilities as the Representative Payee
- A. Disbursement of SSA or SSI benefits from the child or youth's Revolving Fund account must be requested by the Fiscal Specialist via the "Revolving Fund Disbursement" (Form 2153) and sent to the Office of Finance to be processed.
 - B. The CPSW/JPPPO must provide the Fiscal Specialist with all receipts for items and services purchased that equal the amount received in the SSA or SSI disbursement. Failure to provide the receipts will result in denial of future requests for disbursements.
 - C. The Fiscal Specialist must report changes to SSA that may affect the amount of the benefit received.
 1. As the Representative Payee, DCYF is liable for repayment of money it receives on behalf of the child or youth if any of the following events occur and are not reported:
 - (a) The child or youth dies;
 - (b) The child or youth moves, including movement from foster home to group home;
 - (c) The child or youth starts receiving another government benefit such as a veteran benefit (VA);

- (d) Commitment/Placement of the child or youth to Sununu Youth Services Center or an inpatient psychiatric facility, such as the New Hampshire Hospital;
 - (e) Custody of a child or youth changes or a child or youth is adopted;
 - (f) The child or youth is a stepchild and the parents divorce; or
 - (g) DCYF is no longer responsible for the child or youth, e.g., the child or youth returns home, is adopted or ages-out of foster care.
2. In addition to the events listed above, the following changes must be reported via the "Notification of Change in Social Security Recipient Status" (Form 2154) if the child or youth is receiving SSI:
- (a) The child or youth starts or stops working, affecting part-time or full-time earned income;
 - (b) A disabled child or youth's condition improves with a physician's confirmation;
 - (c) The child or youth is receiving other assistance for food and shelter, in-kind income;
 - (d) The child or youth is receiving child support, regardless of who is actually receiving this support; or
 - (e) The child or youth's resources increase or decrease beyond the allowable limit.

VII. DCYF will follow the requirements of SSA in the management of a child or youth's SSI benefit.

- A. Savings and other resources of the child or youth are limited to \$2,000.00 under the SSI program.
 - 1. This amount includes funds in the Revolving Fund.
 - 2. The Fiscal Specialists must monitor this account to ensure that it does not exceed \$2,000.00 and notify SSA if resources are exceeded.
 - 3. Lump sum SSI benefits will be treated as a resource nine months after they are received.
- B. The Fiscal Supervisor liaison will contact the DHHS Office of Finance to establish a dedicated account when notified by SSA of the need to establish a dedicated account.
 - 1. The Fiscal Unit establishes and monitors these accounts with the Office of Finance.
 - 2. It will be necessary to coordinate withdrawals for specified services.
 - 3. Withdrawal for needed services are approved and processed through the Fiscal Unit.

- C. Services and items paid from the dedicated account, (deposits and withdrawals) must be clearly documented and monitored by the Fiscal Specialist.
 - 1. DCYF is accountable for detailed account activity and this information must be presented to SSA upon demand and at periodic reporting.
 - 2. The Fiscal Unit and the Office of Finance process withdrawals and deposits and maintain a record of activity. The Fiscal Specialist must retain copies of account activity in the fiscal file.
 - 3. This information may also be needed during administrative reviews and court hearings.

- D. The SSA or SSI benefit must be used in the best interests of the child or youth. The first priority is to make sure the child or youth's current needs are met; this includes food, shelter, medical care, and other items for his/her comfort. If money is left over after providing for those needs, the money could be spent on things that would improve the beneficiary's daily living conditions or provide better medical care.

- E. SSA does not count funds deposited in the dedicated account as resources or income, nor is interest generated by this account.
 - 1. SSI funds deposited in the dedicated account are also excluded as a resource in Medicaid eligibility, as long as no other money source is deposited in this account.
 - 2. Co-mingling of money complicates the account and may result in ineligibility for Medicaid.

- F. Federal law concerning SSI requires that each case be reviewed or "redetermined" to ensure that the disabled child or youth continues to be categorically eligible.
 - 1. The type of disability determines the frequency of the redeterminations.
 - 2. The CPSW/JPPPO and the Fiscal Specialist must ensure that the child or youth's medical providers complete medical assessment forms when required by SSA.
 - 3. The CPSW/JPPPO must obtain updated medical information from foster parent(s) or other residential care providers when necessary.

- G. The Fiscal Specialist must complete forms received from SSA and return these forms to SSA within the time allowed.
 - 1. SSA will send annual "Representative Payee Reports" which ask how benefits have been spent and whether money has been saved.
 - 2. SSA will request verification of a child or youth's school status prior to the individual's 18th birthday.

- VIII. SSA 1631 (a)(2)(F) requires the Representative Payee of an eligible individual under age 18 who is eligible for past-due monthly SSI, which exceed 6 times the current Federal Benefit Rate, to establish a "dedicated account."
 - A. The dedicated account must be established prior to the release of past-due benefits.

- B. Past-due benefits that have accrued prior to DCYF assignment as Representative Payee, i.e., an accrual which occurred during which a parent, relative, or guardian was the Representative Payee of this benefit, could be deposited into this dedicated account.
 - C. The SSA must be given proof that a dedicated account has been established. The following information must be presented, before SSA can release the past-due benefits:
 - 1. Name and address of the financial institution;
 - 2. Account number;
 - 3. Account title;
 - 4. Type of account;
 - 5. Amount of money deposited to open account, if this applies; and
 - 6. The signed and dated "Allowable Use of Funds" Statement.
 - D. Past-due benefits deposited into a dedicated account may only be used by the Representative Payee for the following specific and limited expenses for the disabled child or youth as allowable in SSA 1631(a)(2)(F)(ii):
 - 1. Education or job skills training;
 - 2. Personal needs assistance;
 - 3. Special equipment that assists the disabled child or youth (ex. modified wheelchair);
 - 4. Housing modification;
 - 5. Medical treatment;
 - 6. Therapy or rehabilitation; or
 - 7. Another item or service determined appropriate by SSA to benefit the child or youth and relating to the impairment(s) of the child or youth.
 - (a) Items and/or services that fall under "other," must be explained in writing to SSA requesting authorization.
 - (b) An approval from SSA must be received in writing to authorize the use of funds.
- IX. Youth in foster care, who turn 18 years old, may become payee of their benefit.
- A. Social Security Administration may terminate DCYF as the Representative Payee when the youth turns 18 years old.
 - 1. Monthly benefits are made payable to the 18 year old, resulting in an inability to deposit the checks into the Revolving Fund account.

2. The Office of Finance will return checks to SSA that are payable to the 18 year old.
- B. DCYF may present documentation to SSA if the 18 year old is not competent to function in the capacity of his/her own payee.
1. Upon the youth reaching 18 years of age, the Fiscal Specialist must submit medically supported documentation of incompetence with a new Representative Payee application within 10 days to the Concord SSA Office for reconsideration.
- X. Children or youth in foster care or SYSC that are in the process of reunification may visit their home one to several days each week as part of the transition process and as a result, the parent(s) are providing for the child or youth's basic necessities of food, shelter and medical needs during the visits.
- A. The CPSW/JPPPO may determine that it is appropriate for the parent(s) to resume the Representative Payee responsibilities in preparation for the permanent return of the child or youth to their home.
1. The CPSW/JPPPO provides a court order or an affidavit accepted by the court to the Fiscal Specialist that documents the expected date that the child or youth will be returned home.
 2. The Fiscal Specialist will notify SSA that DCYF no longer wishes to be the Representative Payee and will include the court order or court accepted affidavit that documents that the child or youth is in the process of reunification.
 3. The Fiscal Specialist will recommend to SSA that the parent(s) be named as the Representative Payee for the child or youth's benefits.
- B. The parent(s) will be required to complete a Representative Payee application and submit it to SSA before a change in payee will be granted.
- C. The SSA or SSI benefits will continue to accrue and be held by SSA during the period between DCYF requesting to no longer be the Representative Payee and the parent(s) application and approval to become the payee.

Procedures

- I. The CPSW/JPPPO must:
- A. Inform the parents that they are required to notify SSA that their child or youth is no longer a resident of their household when their child or youth enters foster care or SYSC.
 - B. Explain to parent(s) that DCYF will apply to be the Representative Payee for their child or youth's SSA or SSI benefit during their stay in foster care or SYSC.
 - C. Notify the Fiscal Specialist of the child or youth's placement in foster care or SYSC and when a child or youth is returned home.
- II. The Fiscal Specialist:
- A. Notifies the CPSW/JPPPO of a child or youth's benefits from SSA,
 - B. Applies to become the Representative Payee for the child or youth's SSA or SSI benefit,

- C. May apply for initial SSA or SSI benefits on behalf of the child or youth if there is evidence to support eligibility.
 - 1. The Fiscal Specialist will send a notification letter to the custodial parent(s) of DCYF's intent to apply for benefits.
 - 2. The Fiscal Specialist will delay processing the application for 10 days. This will allow the custodial parent(s) to contact the Fiscal Specialist with questions or concerns.
 - D. Assists relatives that are caring for a child or youth in foster care by explaining and offering assistance in the completing of the SSA application.
 - E. Notifies SSA via the "Notification of Change in SSI Recipient Status" (Form 2154) of changes in the child or youth's needs, living arrangement, income, and other benefits.
 - F. Sends the "Change in Payee Letter" (Form 2156) and the "Payee Letter to Parent" (Form 2157) when the child or youth returns home.
 - G. Monitors the child or youth's individual Revolving Fund account information via NH Bridges for current balances, deposits and withdrawals.
 - H. Ensures documentation is received of withdrawals of SSA or SSI benefits by obtaining receipts from the CPSW/JPPPO for purchases made on behalf of a child or youth in foster care or at SYSC.
- III. The Fiscal Unit at State Office establishes and monitors dedicated accounts of SSI.
- IV. The Office of Finance at State Office:
- A. Posts deposits of SSI and SSA benefits in the Revolving Fund; and
 - B. Monitors dedicated accounts.

<p>Practice Guidance</p>

If a child is in the process of being adopted and receives a SSA Survivor benefit because one of his/her biological parents is deceased, will the child continue to receive the SSA Survivor benefit when adopted?

- Yes, if a child/youth receives a SSA Survivor benefit before being adopted, the child/youth will continue to receive the SSA Survivor benefit after the adoption until he/she turns age 18.

If a child is in the process of being adopted and receives a SSI benefit due to the child's own physical or mental disability, will the child continue to receive the SSI benefit when adopted?

- It depends on the adoptive parent's income. If the adoptive parent's income is under the income limits for the SSI program, the child may continue to receive the SSI benefit or receive an altered SSI benefit amount. If the adoptive parent's income is over the SSI limits, the adoptive child will not continue to receive the SSI benefit.